

Application No. 10/572,853
Response dated November 28, 2008
Reply to Office Action of September 30, 2008

2

Docket No.: 80246(302741)

REMARKS

Claims 12-14, 16-22, 26-29 and 33-38 are pending in this application. No claim amendments are being made. Reconsideration of the rejection is respectfully requested.

Claims 12-14, 16-22, 26-29, and 33-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chotani et al (US 2003/0203454) in view of Soma et al (US 5,494,819).

This rejection alleges at the top of page 3 of the Office Action that Chotani teaches fermented plant extract and facultative anaerobic gram-negative bacterium, therefore it was "deemed that they live in symbiotic relationship." However, the attached article provides evidence to the contrary that this is technically incorrect and therefore a *prima facie* conclusion of obviousness cannot logically be drawn from the cited references, among other reasons.

The attached reference, *Genetic and Biochemical Characterization of the Pathway in Pantoea citrea Leading to Pink Disease of Pineapple*, Journal of Bacteriology, Vol. 182, No. 8, Apr. 2000, p. 2230-2237, is an article about the pink disease of pineapple caused by *Pantoea citrea*. As mentioned in the discussion in the article on p.2235, col. 2:

This study provides evidence for the presence of an oxidative pathway beginning with D-glucose and ending with 2,5-DKG in *P.citrea*. The end product, 2,5-DKG, is a highly chromogenic compound that turns intensely rusty red when heated and appears to be the primary contributor of the pink-to-red coloration associated with pink disease of pineapple.

The rationale behind this work was to identify the complete pathway leading to the economically important pink disease of pineapple at the molecular level, using transposon mutagenesis and biochemical assays.

DC 250486.1